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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/602,964

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Tommy L. Jamison

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27572

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04/14/2006

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EXAMINER

PRETLOW, DEMETRIUS R

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,964

Applicant(s)

JAMISON ET AL.

Examiner

Demetrius R. Pretlow

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-17 and 19-22 is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-10 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1 have limitations that fail to provide a **useful, concrete , and tangible results**. For example, A step of adjusting the corresponding critical devices as necessary so that no critical device (CD) is positioned , in a strategic position that adversely effects the output of the machine tool would appear to remedy the 101 issue

Claims 2-10 are rejected as based on rejected base claim 1.

Allowable Subject Matter

Claims 13-17 and 19-22 allowed.

The primary reason for the allowance of claims 13-16 is the inclusion of the method step of an wherein a laser transmitter is employed to establish the axis of the stem.. It is this step found in each of the claims, as it is **claimed in the combination**, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claim 17 is the inclusion of the method step of wherein a plurality of jack screws are employed to selectively position the container and wherein the step of adjusting the container includes determining an

amount and direction in which each of the jack screws is to be rotated. It is this step found in each of the claims, as it is **claimed in the combination**, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claim 19 is the inclusion of the method steps of aligning the moving crosshead horizontally and vertically to an axis defined by the main ram, wherein the step of aligning the moving crosshead horizontally comprises: mounting a laser transmitter to one of the front and rear platens; moving a laser receiver to the other one of the front and rear platens; generating a laser beam with the laser transmitter; receiving the laser beam with the laser receiver to establish an offset axis, the offset axis being horizontally offset from the axis of the main ram by a predetermined distance', mounting the laser receiver to the moving crosshead', receiving the laser beam with the laser receiver to determine an amount by which an axis of the moving crosshead is horizontally offset from the offset axis; and calculating an amount by which the axis of the moving crosshead is horizontally offset from the axis of the main ram. It is these steps found in each of the claims, as it is **claimed in the combination**, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 20-21 is the inclusion of the method step of aligning the moving crosshead horizontally and vertically to an axis defined by the main ram, wherein the step of aligning the moving crosshead vertically comprises: mounting a laser transmitter on a first lateral side of the extrusion press, the

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laser transmitter generating a laser beam that is contained in a first horizontal plane; mounting a laser receiver to the rear platen on the first lateral side; transmitting the laser beam in the first horizontal plane to the laser receiver to determine a first elevation of the rear platen; mounting the laser receiver to the front platen on the first lateral side; transmitting the laser beam in the first horizontal plane to the laser receiver to determine a first elevation of the front platen; mounting the laser receiver to the moving crosshead on the first lateral side; transmitting the laser beam in the first horizontal plane to the laser receiver to determine a first elevation of the moving crosshead; mounting the laser receiver to the container; transmitting the laser beam in the first horizontal plane to the laser receiver to determine an elevation of the container', mounting a laser transmitter on a second lateral side of the extrusion press such that the laser transmitter generates the laser beam in a second horizontal plane; transmitting the laser beam in the second horizontal plane to the laser receiver that is mounted on the container to determine a lateral elevation offset; mounting the laser receiver to the rear platen on the second lateral side; transmitting the laser beam in the second horizontal plane to the laser receiver to determine a second elevation of the rear platen; mounting the laser receiver to the front platen on the second lateral side; transmitting the laser beam in the second horizontal plane to the laser receiver to determine a second elevation of the front platen', mounting the laser receiver to the moving crosshead on the second lateral side; transmitting the laser beam in the second horizontal plane to the laser receiver to determine a second elevation of the moving crosshead; employing the first and second elevations of the rear platen, the first and second elevations of the front platen and the

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lateral elevation offset to determine a position of the axis of the main ram in a generally vertical plane; and employing the first and second elevations of the moving crosshead and the lateral elevation offset to determine a position of the axis of the moving crosshead in the generally vertical plane. It is these steps found in each of the claims, as it is **claimed in the combination**, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Demetrius R. Pretlow whose telephone number is (571) 272-2278. The examiner can normally be reached on Mon.-Fri. 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Demetrius R. Pretlow

Demetrius Pretlow 4/12/06

Patent Examiner

John Barlow
John Barlow

Supervisory Patent Examiner
Technology Center 2800